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Attorney for Plaintiffs
LAFACE RECORDS LLC; ELEKTRA
ENTERTAINMENT GROUP INC.; UMG
RECORDINGS, INC.; and WARNER BROS.
RECORDS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LAFACE RECORDS LLC, a Delaware limited
liability company; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; UMG RECORDINGS, INC., a
Delaware corporation; and WARNER BROS.
RECORDS INC., a Delaware corporation,

Plaintiffs,

v.

JENNIFER LYNN GLASS,

Defendant.

Case No.: 4:07-cv-04847-SBA

Hon. Sandra Brown Armstrong

**DECLARATION OF DAWNIELL
ZAVALA IN SUPPORT OF REQUEST TO
ENTER DEFAULT**

DECLARATION OF DAWNIELL ZAVALA

I, DAWNIELL ZAVALA, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California and this United States District Court. I am an attorney with the law firm of Holme Roberts & Owen LLP, attorneys for Plaintiffs. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On September 20, 2007, Plaintiffs filed the Complaint in this case against Defendant. Attached hereto as **Exhibit A** is a true and correct copy of the proof of service on file with the Court, reflecting that Defendant was served with the Summons and Complaint on August 9, 2008, by substitute service.

3. More than 20 days have elapsed since the date on which service of the Summons and Complaint was effective.

4. Neither Plaintiffs nor the Court have granted Defendant any extension of time to respond to the Complaint.

5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a copy of any answer or other response upon Plaintiffs' attorneys of record.

6. I am informed and believe that Defendant is not an infant or incompetent person.

7. A search for Defendant's name was conducted through the Defense Manpower Data Center, Servicemembers Civil Relief Act database. That search revealed no evidence that Defendant is in the military service.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 12, 2008 at San Francisco, California.



DAWNIELL ZAVALA

EXHIBIT A

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MATTHEW FRANKLIN JAKSA 248072
560 MISSION STREET, 25TH FLOOR SAN FRANCISCO CA
415 268-2000

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| <p>LAFACE RECORDS LLC, ET AL., JENNIFER LYNN GLASS</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">Plaintiff(s) Defendant(s)</p> | <p>CASE NUMBER: 4:07-CV-04847-SBA</p> <hr/> <p style="text-align: center;">PROOF OF SERVICE SUMMONS AND COMPLAINT (Use separate proof of service for each person/party served)</p> |
|---|---|

1. At the time of service I was at least 18 years of age and not a party to this action a I served copies of the (specify documents):
SEE ATTACHMENT A

2. Person served:
 - a. ☐ Defendant (name): **JENNIFER LYNN GLASS**
 - b. ☒ Other (specify name and title or relationship to the party/business named):
ANDREW HUGHES RESIDENT, UNCLE, A white male approx. 45-55 years of age 5'10"-6'0" in height weighing 180-200 lbs and balding with glasses
 - c. ☒ Address where papers were served: **12239 TOLUCA DR SAN RAMON, CA 94583**

3. Manner of Service in compliance with (the appropriate box must be checked):
 - a. ☒ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure

4. I served the person named in Item 2:
 - a. ☐ By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and the minor if at least twelve (12) years of age.
 1. Papers were served on (date): _____ at (time): _____
 - b. ☒ By Substituted service. By leaving copies:
 1. ☒ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☐ (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☒ Papers were served on (date): **Aug 9 2008** at (time): **9:03:00 PM**
 4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☐ papers were mailed on (date): _____
 6. ☐ due diligence. I made at least (3) attempts to personally serve the defendant.



- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h))(C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing *by first-class mail, postage prepaid,* copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (date): _____ at (time): _____

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washing, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

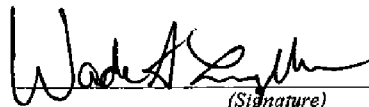
WADE A. LONGBRAKE
PO Box 21486, Concord, CA 94521
925-833-4055

- a. Fee for service: \$ 130.00
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: Aug 26 2008


(Signature)



PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On September 12, 2008, I served the foregoing documents described as:

**DECLARATION OF DAWNIELL ZAVALA IN SUPPORT OF REQUEST TO ENTER
DEFAULT**

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Jennifer Lynn Glass
12239 Toluca Drive
San Ramon, CA 94583

☒ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 12, 2008 at San Francisco, California.



Della Grant